

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SUTEN BLACKGOLD, A.K.A.  
MITCHELL QUINTIN GRADY

Plaintiff,

v.

CDCR, et al.,

Defendants.

No. 1:22-cv-00930 GSA (PC)

ORDER AND FINDINGS AND  
RECOMMENDATIONS

ORDER DIRECTING CLERK OF COURT TO  
ASSIGN DISTRICT JUDGE TO THIS  
ACTION

ORDER RECOMMENDING THAT THESE  
MATTERS BE RELATED PURSUANT TO  
LOCAL RULE 123(a)(3)

ORDER RECOMMENDING MATTER BE  
DISMISSED FOR FAILURE TO OBEY  
COURT ORDER

(ECF No. 11)

PLAINTIFF'S OBJECTIONS DUE **MARCH  
14, 2024**

SUTEN BLACKGOLD, A.K.A.  
MITCHELL QUINTIN GRADY

Plaintiff,

v.

HARMON,

No. 1:23-cv-00782 GSA (PC)

ORDER AND FINDINGS AND  
RECOMMENDATIONS

ORDER DIRECTING CLERK OF COURT TO  
ASSIGN DISTRICT JUDGE TO THIS  
ACTION

Defendant.

ORDER RECOMMENDING THAT THESE  
MATTERS BE RELATED PURSUANT TO  
LOCAL RULE 123(a)(3)

ORDER RECOMMENDING MATTER BE  
DISMISSED FOR FAILURE TO OBEY  
COURT ORDER

(ECF No. 9)

PLAINTIFF'S OBJECTIONS DUE **MARCH  
14, 2024**

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed the above-referenced civil rights actions<sup>1</sup> seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

For the reasons stated below, the undersigned will recommend that these matters be related. In addition, it will be recommended that these matters be dismissed for failure to obey court orders.

#### I. RELEVANT FACTS

On January 22, 2024, the Court ordered Plaintiff to show cause why his in forma pauperis status should not be revoked in both matters pursuant to 28 U.S.C. § 1915(g). See CDCR, ECF No. 11; see also Harmon, ECF No. 9. At that time Plaintiff was given thirty days to file in both cases showings of cause. In the alternative, Plaintiff was also given the option of paying the filing fees in full within the same period. See CDCR, ECF No. 11 at 7-8; Harmon, ECF No. 9 at 7-8.

More than thirty days has now passed and Plaintiff has not filed his showings of cause, nor he paid the filing fees in full in either case. Additionally, Plaintiff has not responded to the respective Court's orders in any other way.

#### I. DISCUSSION

<sup>1</sup> For ease of reference, throughout this order, Blackgold v. CDCR, No. 1:22-cv-00930 GSA will be referred to as "CDCR," and Blackgold v. CDCR, No. 1:23-cv-00782 GSA will be referred to as "Harmon."

1           A. Relation of Cases

2           These two matters deal with similar questions of fact – i.e., whether the same previously  
3 adjudicated cases constitute strikes within the meaning of 28 U.S.C. § 1915(g). They also deal  
4 with the same question of law – i.e., whether Plaintiff’s in forma pauperis status should be  
5 revoked pursuant to 28 U.S.C. § 1915(g). Therefore, the undersigned finds that an order relating  
6 the two matters pursuant to Local Rule 123(a)(3) is appropriate, and it will be recommended that  
7 they are.

8           B. Dismissal of Matter

9           Federal Rule of Civil Procedure 41 permits this Court to dismiss a matter if a plaintiff fails  
10 to comply with federal rules and/or he fails to obey a court order. See Fed. R. Civ. P. 41(b).  
11 Local Rule 110 also permits the imposition of sanctions when a party fails to comply with an  
12 order of this Court. See id.

13           Plaintiff has been given adequate time to comply with the Court’s order to file a showing  
14 of cause or, in the alternative, to pay the filing fees in these matters in full. Plaintiff has done  
15 neither, nor has he requested an extension of time to do so in either matter. For these reasons, the  
16 undersigned will also recommend that this matter be dismissed.

17           Accordingly, IT IS HEREBY ORDERED that the Clerk of Court randomly assign a  
18 District Judge to these matters.

19           IT IS FURTHER RECOMMENDED that:

20           1. These cases, Blackgold v. CDCR, No. 1:22-cv-00930 GSA, and Blackgold v. CDCR,  
21 No. 1:23-cv-00782 GSA, be RELATED pursuant to Local Rule 123(a)(3), and

22           2. These matters be DISMISSED for failure to obey court orders. See Fed. R. Civ. P.  
23 41(b); Local Rule 110.

24           These findings and recommendations are submitted to the United States District Judge  
25 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
26 after being served with these findings and recommendations – **by March 14, 2024**, – Plaintiff  
27 may file written objections with the Court. Such documents should be captioned “Objections to  
28 Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file

1 objections within the specified time may waive the right to appeal the District Court's order.  
2 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

3  
4  
5 IT IS SO ORDERED.

6 Dated: February 29, 2024

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE